REMARKS

Enclosed herewith are the Amendment to the Claims as required by the Notice of Non-Compliant Amendment mailed February 10, 2005, in which claim 13 was inadvertently identified as "previously presented" rather than "currently amended" as it should have been identified. Entry of the Amendment is respectfully requested.

If the Examiner considers this case ready for conclusion, other than by Allowance, the Examiner is respectfully requested to call Applicant's attorney at the number listed below.

Respectfully submitted,
James A. Donovan

DATE: February 14, 2005

By his Attorney

LAW OFFICES OF JOHN S. MUNDAY
by John S. Munday
PO BOX 423
Isanti, MN 55040
Registration Number 22,636

Telephone:(763) 444-8296
Facsimile: (763) 444-8781

OF MAILING

I hereby certify that the attached correspondence is being deposited with the United States Postal Service and First Class Mail in an envelope addressed to: Mail Stop non fee amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450, on the date appearing below.

DATE: 2/14/05

Respectfully submitted,

John S. Munday

www.uspto.gov

OIPE JC19 FEB 18 2005 PATENT & TRADEMARK OFFICE

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/20/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. **Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.**

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Hallie D Massey
Legal Instruments Examiner (LIE)
571-272-4393

July 22, 2003 (rev.)